

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRANCISCO PEREZ and ELISARIO PEREZ,

Plaintiffs,

-v-

STANDUP 236 LLC d/b/a/ STAND UP NY, DANI
ZOLDAN, and GABRIEL WALDMAN,

Defendants.

CIVIL ACTION NO.: 22 Civ. 6821 (SLC)

ORDER APPROVING SETTLEMENT

SARAH L. CAVE, United States Magistrate Judge.

The parties in this wage-and-hour case under the Fair Labor Standards Act (“FLSA”) have consented to my jurisdiction under 28 U.S.C. 636(c) and Fed. R. Civ. P. 73 for purposes of reviewing their proposed settlement (ECF No. 30), and have now submitted a joint letter-motion in support of settlement (ECF No. 28 (the “Motion”)) and proposed settlement agreement (ECF No. 28-1 (the “Agreement”)) for approval under Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015). In addition, at the Court’s request (ECF No. 31), the parties confirmed that the Agreement was translated into Spanish for Plaintiffs before execution and provided a copy of the executed Stipulation of Dismissal. (ECF Nos. 32; 32-1).

Courts generally recognize a “strong presumption in favor of finding a settlement fair” in FLSA cases like this one, as courts are “not in as good a position as the parties to determine the reasonableness of an FLSA settlement.” Souza v. 65 St. Marks Bistro, No. 15 Civ. 327 (JLC), 2015 WL 7271747, at *4 (S.D.N.Y. Nov. 6, 2015) (citation omitted). Having carefully reviewed the Motion, the Agreement, and accompanying exhibits, the Court finds that all the terms of the Agreement, including the allocation of attorneys’ fees and costs, appear to be fair and reasonable

under the totality of the circumstances and in light of the factors enumerated in Wolinsky v. Scholastic Inc., 900 F. Supp. 2d 332, 335 (S.D.N.Y. 2012). Accordingly, the Court approves the Agreement.

This action is dismissed with prejudice and without costs except as may be stated in the Agreement. The Court retains jurisdiction to enforce the Agreement. Any pending motions are moot. The Clerk of Court is respectfully requested to mark ECF No. 28 as “granted,” and close this case.

Dated: New York, New York
July 7, 2023

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge